

**NEW YORK
CITY BAR**

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H.E. Mr. José Manuel Barroso
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Your Excellency:

I am writing on behalf of the Association of the Bar of the City of New York to express its concerns regarding Serbia's application to join the European Union (EU). The Association is an independent non-governmental organization with more than 23,000 members from 50 countries. Founded in 1870, the Association has a long history of dedication to human rights and international justice, particularly through its Committee on International Human Rights, which investigates and reports on human rights conditions around the world, including in the United States.

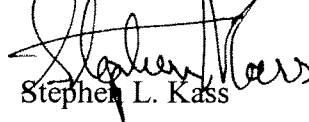
While the Association otherwise takes no position on the admission of Serbia to the EU, the Association urges that such admission not take place unless and until Serbia has cooperated fully with the International Criminal Tribunal for the former Yugoslavia (ICTY). Such cooperation must include the arrest and surrender of Bosnian war fugitive Ratko Mladić. Placing this requirement on Serbia will send a strong signal that accountability, rather than impunity, for serious human rights violations is the standard to which all States must conform.

We are gratified by Serbia's arrest and surrender to the ICTY of the indicted former Bosnian Serb police commander, Stojan Župljanin, and the top former Bosnian Serb leader, Radovan Karadžić. While these are important developments, Serbia has thus far failed to turn over Mladić, who was indicted by the ICTY on charges of genocide, crimes against humanity and war crimes for his role in crimes perpetrated against the civilian population throughout Bosnia, including the massacre at Srebrenica, the sniping campaign against civilians in Sarajevo, and for taking United Nations peacekeepers as hostages and their use as human shields. Mladić has been free since his indictment in 1995.

The International Court of Justice (ICJ), in the case of *Bosnia and Herzegovina v. Serbia and Montenegro*, has ruled that Serbia breached its obligations under the Convention on the Prevention and Punishment of Genocide by failing to prevent or punish the genocide at Srebrenica. Pursuant to the ICJ's holding, Serbia's failure to turn over Mladić would amount to an ongoing violation of its obligations under the Convention. As for the ICTY, its chief prosecutor, Serge Brammertz, has stated that Serbia's cooperation with the ICTY is "progressing," but has nonetheless emphasized that Serbia must turn over Mladić in order to be in full cooperation with the ICTY.¹

The EU has repeatedly indicated that full cooperation with the ICTY, including the surrender of Mladić, is necessary for Serbia's progress toward accession. We urge the EU to continue to insist on such cooperation, and to take no action on Serbia's application unless and until Mladić is in the hands of the ICTY.

Respectfully submitted,



Stephen L. Kass

cc:

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¹ We note that Goran Hadžić, a Croatian Serb charged with war crimes and crimes against humanity by the ICTY, also remains at large and is believed to be within the reach of Serbian authorities. Hadžić should also be turned over to the ICTY.